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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,966	03/15/2000	Peter S. S. Wang	3COM 2534-1	1024

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/525,966

Applicant(s)  
Peter S. S. Wang et al.

Examiner  
Bharat Barot

Art Unit  
2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 15, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 & 5 6) ☐ Other:

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## **DETAILED ACTION**

### **Specification**

1. The disclosure is objected to because of the following informalities : Serial Numbers of co-pending applications are missing on page 1. Appropriate correction is required.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Locklear, Jr. et al (U.S. Patent No. 6,252,878). Locklear's patent meets all the limitations for claims 1-62 recited in the claimed invention.

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5. As to claim 1, Locklear, Jr. et al teach a method of virtually addressing a plurality of storage devices through a switch (figures 2 and 4), including the steps: establishing a file session between a client and the switch, wherein the switch appears as a virtual storage device (column 5 lines 1-36; and column 7 lines 15-52); selecting in the switch one of a plurality of storage devices coupled with the switch to participate in the file session (column 5 lines 37-58; and column 7 lines 53-67); and programming logic in the switch to forward packets in the file session to the selected storage device (column 4 lines 13-33; and column 8 lines 1-13).

6. As to claim 2, Locklear, Jr. et al teach that the client having TCP logic to participate in a file session recognizes the switch as a virtual storage device without modification of the TCP logic (figures 3A and 3C; column 5 line 59 to column 6 line 21; and column 6 line 50 to column 7 line 14).

7. As to claims 3-5, Locklear, Jr. et al teach that the virtual storage device conforms to the different type of protocols (column 3 lines 23-35).

8. As to claim 6, Locklear, Jr. et al teach a step of: selecting one of a plurality of storage devices includes inspecting data transmitted with a file session packet and selecting the storage device responsive to said data (column 5 lines 47-58; and column 8 lines 1-13).

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9. As to claims 7-9, Locklear, Jr. et al teach that the switch includes a file directory and selecting one of a plurality of storage devices includes inspecting data transmitted with a file session packet and accessing the file directory to select the storage device responsive to said data, hosting a file responsive said data, and having characteristics responsive to said data (figure 2; column 3 line 66 to column 5 line 45).
10. As to claim 10, Locklear, Jr. et al teach the steps of: determining in the selected storage device to redirect the file session to an other device; handing off the file session to an other storage device; and reprogramming the switch to forward packets in the file session to the other storage device (figure 4; and column 7 lines 26-52).
11. As to claim 11, Locklear, Jr. et al teach that handing off the file session and reprogramming the switch are transparent to the client (column 5 lines 1-58; and column 7 line 53 to column 8 line 13).
12. As to claim 12, Locklear, Jr. et al teach that at least one of the plurality of storage devices coupled with the switch is an other switch configured to appear as a virtual storage device (figure 1; and column 2 line 54 to column 3 line 53).

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**13.** As to claims 13-24, they are also rejected for the same reasons set forth to rejecting claims 1-12 above. Additionally, Locklear, Jr. et al teach the steps of: inserting a switch between the storage devices and the network, wherein the switch appears as a virtual storage device (figure 1; and column 2 line 54 to column 3 line 53); and accepting in the switch a request to establish a file session between a client and the switch (figure 2; and column 5 lines 1-58).

**14.** As to claims 25-33, they are also rejected for the same reasons set forth to rejecting claims 1-9 above.

**15.** As to claims 34-40, they are also rejected for the same reasons set forth to rejecting claims 1, 3-5, and 10-11 above. Additionally, Locklear, Jr. et al teach a step of: predicting in a switch coupled to a first storage device that the failure of the first storage device will require a fail over (column 5 line 59 to column 6 line 6 line 21; and column 7 lines 27-52); and disclose that the switch comprises one or more input processors, logic to process packets, switch fabric, a forwarding table and one or more output processors (figures 1-2; and column 3 line 54 to column 4 line 67).

**16.** As to claims 41-47, they are also rejected for the same reasons set forth to rejecting claims 34-40 above.

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17. As to claims 48-55, they are also rejected for the same reasons set forth to rejecting claims 1 and 10-11 above. Additionally, Locklear, Jr. et al teach the steps of: determining in a first device coupled to a switch that the work load of the first device warrants a session transfer and determining in a switch coupled to a first device that the work load of the first device warrants a session transfer (column 4 line 53 to column 5 line 58); and disclose that the switch comprises one or more input processors, logic to process packets, switch fabric, a forwarding table and one or more output processors (figures 1-2; and column 3 line 54 to column 4 line 67).

18. As to claims 56-62, they are also rejected for the same reasons set forth to rejecting claims 1, 3-5, and 10-11 above. Additionally, Locklear, Jr. et al teach a method of load balancing between a first switch involved in a file session to a second switch, the first and second switches being connected to a plurality of storage devices, including the steps: determining in a first switch coupled to a second switch that a file session involving the first switch should be handled by the second switch; handing off the file session to the second switch; and reprogramming the first switch to forward packets in the file session to the second switch (figure 1; and column 2 line 54 to column 3 line 53); and disclose that the switch comprises one or more input processors, logic to process packets, switch fabric, a forwarding table and one or more output processors (figures 1-2; and column 3 line 54 to column 4 line 67).

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**Additional References**

19. The following references are cited by the examiner as of general interest.

- a. Bellemore et al, U.S. Patent No. 6,088,728.
- b. Adams et al, U.S. Patent No. 5,819,036.

**Contact Information**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is **(703) 305-4092**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **An, Meng-Ai**, can be reached at **(703) 305-9678**. The fax phone numbers for examiner's Art Unit OR Group are **After final response (703) 746-7238, Official response (703) 746-7239, and Unofficial/Draft response (703) 746-7240**.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Patent Examiner Bharat Barot

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April 23, 2003

*Bharat Barot*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**